Supreme Court, U.S.

001954 JUN 26 2001

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

CHESTER B. SMITH
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
Respondent

ON PETITION FOR WRIT OF CERTIORARI TO

THE SUPERIOR COURT OF PENNSYLVANIA

PETITION FOR WRIT OF CERTIORARI

Chester B. Smith, Esq. *pro se*
787 North Main Street
Coudersport, PA. 16915
(814) 274-7348

BRIEF INTRODUCTORY STATEMENT

The Petitioner chose a motor vehicle case to ride through the Judicial System in the search for Justice much as Diogenes of Sinope searched for an honest man. The case was appealed, not because the offence was grievous to the Petitioner, but because it revealed that flaw in the Judicial System that eluded Alexis de Tocqueville in his analysis of Democracy in America.

QUESTION PRESENTED FOR REVIEW

Can a Court of Original Jurisdiction choose not to fully adjudicate a case before it and can the appellate courts of that state ratify a non-adjudication by not addressing the case merits without violating Petitioner's rights of due process and equal protection?

PARTIES TO PROCEEDING

The Commonwealth of Pennsylvania was represented by the Tioga County, Pennsylvania District Attorney's Office, John Cowley Esq., District Attorney and the Prosecuting Attorney was George W. Wheeler, Esq., Assistant District Attorney.

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OPINIONS BELOW

The unreported memorandum opinion of the Superior Court of Pennsylvania, dated October 30, 2000 appears at Appendix 2a.

The Order denying review by the Supreme Court of Pennsylvania, dated March 28, 2001 appears at Appendix 1a.

The Order of the Tioga County Pennsylvania Court appears at Appendix 10a.

STATEMENT OF JURISDICTION

The judgment sought to be reviewed was entered March 28, 2001. Your Honorable Court has jurisdiction to review said judgment by writ of certiorari by virtue of 28 U.S.C. Section 1257 (a).

CONSTITUTIONAL PROVISIONS INVOLVED

The Constitutional Provisions involved are Article 4, and the Fifth and Fourteenth Amendments which provide for due process and equal protection of the law as stated in the Fourteenth Amendment: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United State; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.", and the First Amendment which provides that "Congress shall

make no law .... abridging the freedom of speech .....or the right of the people ....to petition the Government for a redress of grievances." and the Fourteenth Amendment which provides that ".....No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States....."

STATEMENT OF THE CASE

Petitioner was pulled over by town police officer Bodine in the middle of a small north-central Pennsylvania Town by a marked police car with its red emergency lights flashing and informed that he had been timed as exceeding the speed limit by traveling 52 miles per hour in a 35 mile per hour zone. The timing had been by use of an Accutrack which is a calculator-stopwatch that the officer physically activates when a vehicle crosses one point and then physically deactivates when the vehicle passes another point. The device then calculates the speed from a pre-set distance entered into the device.

The distance timed was purported to be 100 feet but the distance was certified only by the police officer making the arrest. No Court guidelines have been set for the minimum distance timed, nor as to the width of the lines marking the beginning and end of the timed course. In fact no guidelines at all have been set as to the factors which may induce error into the calculations such as luminosity, distance from observation point, clearness of view, placement of the observation point an equal distance between the starting and ending points of the course or even the permanent placement of the observation point.

Pennsylvania Consolidated Statutes at 75 PA.C.S.A. 3368 (c) (4) states that no person shall be convicted upon evidence obtained by a device like the Accutrak unless they exceed the speed limit by 10 miles per hour when the posted speed limit is less than 55 miles per hour. At

75 PA.C.S.A. 3362(c)(1) and (2) the statute provides the penalty of a fine of $35.00 for violating a maximum speed limit which is less than the maximum speed limit of 65 miles per hour, and when the speed limit is exceeded by more than five miles per hour an additional fine of $2.00 per each mile in excess of five miles per hour over the maximum speed limit.

Petitioner was fined $35.00 plus $24.00 for exceeding the 35 mph speed limit by 17 mph, (later reduced to $55.00). To this was added $26.50 in costs, $10.00 for the Emergency Medical Service Fund, $40.00 for the Catastrophic Fund and $1.50 for the Judicial Computer Project and $5.00 to appeal.

A non-record hearing was held before District Magistrate William A. Buckingham on December 14, 1999 where Petitioner was found guilty. An appeal for a trial de novo was filed and a hearing was held before Tioga County, Pennsylvania Common Pleas Judge Robert E. Dalton, Jr. who issued a guilty verdict on March 15, 2000. An appeal was filed before the Superior Court of Pennsylvania who issued its panel Memorandum and Order of October 30, 2000 affirming the Order of the Court of Common Pleas, Criminal Division, Tioga County. Petitioner filed a petition for Allowance of Appeal to the Supreme Court of Pennsylvania and was denied by Order dated March 28, 2001.

REASONS FOR GRANTING THE WRIT

Purely from the information on the face of the speeding citation, Petitioner wins the case. On the face of the citation it shows that the distance timed was .019 miles and the seconds timed is 1.31. Eighth grade math makes this 100.31 feet at 52 miles per hour or 7 mph faster than the threshold 45 mph speed for which a citation could be issued. An error of 0.205 second, a bit more than one-fifth of a second is the difference between conviction and traveling at 52 mph or non-conviction for traveling at 45 mph. The state cannot sustain its burden of proof to convict when there is a probability for the natural human error involved in the operation of the Accutrak to exceed that one-fifth of a second.

Since the state bases its fine on the number of miles per hour exceeding the posted speed limit, an additional fine is added for each 0.038 second, an accuracy beyond human capability. That same .038 second difference could convict a speeder for traveling at 46 mph and subject him to over $100.00 in fines and added fees or even the loss of his license for subsequent convictions.

Thirty-eight thousandth of a second will make a person liable for mandatory contributions to the funds listed above in the amount of $51.50, an amount exceeding the original fine. These contributions bear no relationship with the degree of offense or with the likelihood of actual guilt of the offense.

A legal analysis of the issues involved reveals an easy win in a fair trial with the use of an expert on the human reaction time with the

testing of the Accutrak in timing vehicles under a variety of conditions to reveal the range of human error. A psychological expert could review the impact of the color of a vehicle or make and model on an observer to reveal a tendency for an officer to push the buttons a little faster or slower. $10,000.00 to $20,000.00, excluding legal fees should cover the costs involved.

It is Petitioner's contention that the average citizen, the person upon whom all government is based, the person whose active, knowledgeable and voluntary participation is vital to the survival of any democratic system of government, cannot be assured of a fair and impartial trial in the Pennsylvania Judicial System.

Petitioner does not contend that the judges involved are mathematically challenged or stupid, far from it. Petitioner believes the judges purposely refused to adjudicate the case. This factor is what removes this case from the perpetual legal trivia of the lone rogue cop or the inept members of the judiciary. Those are local battles which will be a constant in the world due to the frailties of human nature.

Any elected judge would fear striking down the prevailing use of the short course Accutrak speed trap because of its widespread use throughout the state, particularly when there is nothing to force him to act. Those white lines of varying widths deface most if not all roadways of local jurisdiction. Conviction is sure and swift. Other methods that are more accurate lack the assassin's advantage because they require attention-getting rubber strips to be placed

across roadways, which alert drivers to the presence of a speed trap.

But this Petition is not about speeding or handling of traffic cases. It was appealed to the point of absurdity for the offense involved because it is representative of the degeneration of the state legal system. While no judge laughed in Petitioner's face for his challenge, at least not outright, there was absolutely not even the most remote possibility that the average citizen could win. Not even a case like this which is *res ipsa loquitur* from the face of the citation.

In a nation of laws, there must be some fair and reasonable method of adjudicating those laws, and that method cannot deny the citizen for which this system of government is designed, the personal ability to defend his constitutionally guaranteed rights. This cannot be done merely by form. No right is protected without the sword. Without practical remedy, there is no right.

When the cloak of absolute judicial immunity covers the mantle of absolute judicial power, the result is an Imperial Judiciary, answerable to no one but themselves. When you add the veil of secrecy and election gimmicks, judges can be perpetual if they do not do anything controversial as long as they please the dominant political party.

Justice Larson was not removed from the Pennsylvania Supreme Court because he had a serious mental problem with depression, a condition which always creates a mental distortion of reality in the person's reasoning and perhaps even in his judicial opinions. Justice Larson was removed because he had an

assistant purchase his prescription. He knew that being certified with a major mental illness was not a problem in performing as a Justice on Pennsylvania's highest court, but that there may have been a slight chance that he may not be reelected if the public found out too close to the election. Commonwealth v Larson, 452 Pa. Super. 508, 682 A. 2d 783 (1996)

Some prominent present members of the appellate courts found their way there by jailing all the scofflaw fathers owing child support that came before them and even some mothers. They did this just prior to elections, which assured that the newspapers would prominently display their names and quotes. Since judicial hopefuls can cross file on both political parties' ballots in primaries, many with a popular name or the same name as a local official win their office prior to the fall election.

The Pennsylvania Bar Association has been rating the judges running for election for a number of years because no one knows anything about the judges running for office. The Pennsylvania Code of Judicial Conduct in Canon 7 restricts a judge form political activity inappropriate to his judicial office. This limits what even mere candidates can do and say to the public during elections, so that little is known to form a basis to choose a judge on qualifications and less is known about the real requirements of the judgeship. The result is that voters have abandoned consideration of these offices *en masse* so that a few party faithful set the state's judicial future.

One Westmoreland County, Pennsylvania judge, coming from a background of prosecutor, ordered a teenage child to visit his father against

his strong resistance, and the child committed suicide. (*Casualties of a Custody War*, series by Mackenzie Carpenter and Ginny Kopas, *Pittsburgh Post-Gazette*, June 2, 1998 and following) How can the election process produce judges knowledgeable in psychological and social sciences for the family courts or to counteract a notoriously deficient Children and Youth Service Agency if these needs and qualifications are not encouraged to be brought out in the election process? A single untrained judge with a bad attitude can develop a criminal subculture in a small rural county that has only one judge, a pathetic custody master and a deplorable Children and Youth Service Agency.

Once elected to a 10-year term by whatever trivial process, a judge's even longer tenure is practically assured by a retention election system whereby a judge seeks reelection without an opponent. The ballot question, often missed or skipped by many voters, offers only the choice between giving the incumbent another 10 years in that judicial office, or not. Few lose a retention election, for there is no alternative presented, no one around whom voters or change-minded citizens can mobilize. To minimize pangs of potential rejection faced even in a no-opposition election, an incumbent is assured of another chance, for should he lose, the following year he can be a candidate in the election to fill the vacancy caused by his non-retention. Further, judges who reach the mandatory retirement age can become senior judges and reign on without ever facing the electors again, while performing the same functions as they performed as elected judges.

In any poll that comes out about attorneys, their rating is below that of used car salesmen. Attorney jokes so abound that they have replaced the weather as a common topic of conversation. The trouble with lawyer jokes is that lawyers do not like them and the public does not think they are jokes. But the low ranking and lack of respect afforded lawyers is not so much rooted in the behavior of lawyers as in the injustices and abuses inherent in flawed judicial performance and a defective system of justice. Lawyers bear the brunt of public distaste for bad judicial decisions for which the public has no recourse.

Unlike the Emperor who was surprised when he discovered from the child that he had no clothes, Pennsylvania Judges know it and are damn proud of it and will disbar or suspend you for trying to tell them. In Office of Disc. Counsel v. Surrick, 561 Pa. 167, 749 A.2d 441(2000), the Disciplinary Board recommended dismissal of the charges against Attorney Surrick who was accused of making unfounded allegations against several judges. On appeal by the Office of Disciplinary Counsel, the state supreme court remanded the case to the Board to review in light of a recent standard adopted after the conduct. Surrick had argued that he believed that he had sufficient basis to believe that his statements were true at the time he made his motion for recusal.

The new standard in Pennsylvania is that recklessness is known by "the deliberate closing of one's eyes to facts that one had a duty to seek or stating as fact, a thing of which one is ignorant." Anon. Atty. A, 714 A.2d at 406. Under this new standard, Surrick was

suspended for five years. This restriction of speech at the expense of one's livelihood presents a chilling effect in the criticism of any part of he judicial system.

Petitioner was attempting to show the appellate courts how the layman sees and views the court's behavior towards him as he would portray his experience to his friends and family. In the process, Petitioner made unflattering comments about the District Magistrate and County Judge and Prosecutor in an attempt to make the appellate courts take notice of the wrong being done in these courts. The Prosecutor was singled out for criticism in the belief that he had a duty to investigate to see if his prosecution was meritorious and because the Prosecutor did not investigate his witnesses veracity when it was challenged as fabricated in several areas.

The Memorandum Opinion by the Pennsylvania Superior Court utilized eight pages to waffle without touching the merits. The court addressed everything but the merits. It addressed how a lawyer should present an appeal without considering the case as being presented by an aggrieved individual seeking simple justice in a straightforward case. This is somewhat excusable since one of the panel was a Law Professor used to grading papers but the chilling aspect was the amount of space the panel devoted to the prohibited act of criticizing the judges. Soon it may be Surrick and Smith on the dole.

The Pennsylvania Constitution provides in Article I Section 9 that "In all criminal prosecutions the accused hath a right to be heard by himself and his counsel. . ." and in

Article I Section 11 that "All court shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law. . .". In Article I Section 13, the state Constitution provides that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted." In Article VIII Section 1 it states, "All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws."

These state constitutional guarantees should require the state courts to hear Petitioner's case on the merits at some stage in the proceedings, and should negate the imposition of those weird fund assessments from people whose crimes have no relationship to the fund and which assessment is out of proportion to the fine imposed. It should require these causes to be funded by taxation based like any other tax, and not heaped as burdens on those least likely to challenge them and on those least likely to be able to afford them merely out of political expediency as is happening now in all types of criminal cases.

But without a qualified and engaged judiciary, no right is safe, not even the most sacred rights of all, the right to your children without incompetent interference by state "helping agencies" which drive adolescent girls to pregnancy and boys to drugs to escape their clutches.

No wall of silence will make a deficient system work and no barrage of criticism will ruin an effective system. Even before Plato's Republic there was a righteous fear of the power of the

common public but that public arose from forced illiteracy into the force that is America today, run by the most enlightened citizenry in the world. The base of that achievement was freedom of information but that meteoric rise depended on the supremacy of individual rights, individually protected, in the judicial system.

Alexis de Tocqueville needed to look no further than the zealous protection of individual rights in America to explain why this country did not resort to the rounds of bloodbaths that ensued during the French Revolution. Without that fearless judicial protection against all competing forces, Nazi Germany evolves from German Democracy. It is not a process of usurpation but of disenchantment and then avoidance. If the judicial system has failed, people refuse to maintain an interest in the process if it is one that cannot be made amenable to change. Voters remain ignorant and the ignorant prevail. People treat the institution of the judiciary as a barrier to be overcome, got around or borne as a burden of life.

This is the scenario in Pennsylvania now and it may be a trend of America and the prophecy of de Tocqueville. It is difficult to obtain a impartial jurist from partisan politics but it is not impossible. The United States Constitution opens with "We the People of the United States, in Order to establish a more perfect Union, establish Justice. . .". This prominent place of Justice in the preamble signifies the importance the framers placed on individual fair treatment as the bedrock of democracy.

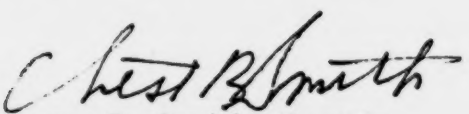
This Petition is not advocating the unfettered criticism of judges, it is not against judicial independence and it is not purporting to be an

individual indictment of all judges. There are many judges that Petitioner likes and respects and many that Petitioner dislikes but respects. The issue is not likeability or universal indictment. The issue is a failed system that has not kept up with the advances of other professions due to the absolute power vested in the Pennsylvania Supreme Court. Reform is essential so that the judges who hear a case are educationally competent to understand the impact of their decisions on the lives of the people involved. They must be individuals who have chosen the area of law where they are adjudicating and not relegated to places of low esteem like family or traffic court. This cannot happen without divorcing the state supreme court's control over the members of the bar so that non-lawyers have an opportunity to breech *sanctum inter sanctum.*

These are the minimum requirements of due process, freedom of speech and equal protection.

Petitioner accordingly prays that a writ of certiorari be granted so that a full and open analysis of the unconstitutional actions of the Pennsylvania Judiciary System can occur and so that this Court may restore due process, equal protection and free speech to the Commonwealth of Pennsylvania.

Respectfully submitted,



Chester B. Smith, Esquire
Petitioner

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT
COMMONWEALTH OF PENNSYLVANIA,
Respondent
v.
CHESTER B. SMITH,
Petitioner
No. 851 M.D. Alloc. Dkt. 2000
Petition for Allowance of Appeal from the Order and Memorandum Opinion of the Superior Court

ORDER

PER CURIAM:

AND NOW, this 28th day of March, 2001, the Petition for Allowance of Appeal is DENIED.

A TRUE AND CORRECT COPY
ATTEST: March 28, 2001

s/
Irene M. Bizzoso, Esquire
Deputy Prothonotary

[Text of seal:
SEAL OF THE SUPREME COURT OF PENNSYLVANIA
1722]

J-S47013-00

IN THE SUPERIOR COURT OF PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA, Appellee
v.
CHESTER B. SMITH, Appellant
No. 769 MDA 2000

[Stamp text: FILED OCT 30 2000]

Appeal from the Order Entered March 15, 2000
In the Court of Common Pleas, Criminal Division
Tioga County, No. 2 MISC DIV 2000
BEFORE: MUSMANNO, TODD and TAMILIA, JJ.
MEMORANDUM:

Chester B. Smith appeals *pro se* his judgment of sentence imposed by the Tioga County Court of Common Pleas following a summary appeal hearing which upheld the imposition of fines and costs by a district justice following Smith's conviction for speeding.[1]

Smith received a citation charging him with operating his motor vehicle at 52 miles per hour in a zone designated with a 35 mile per hour limit. Following a summary trial before District Justice William A. Buckingham, Appellant filed a timely summary appeal to the Court of Common Pleas and on March 15, 2000, a trial de novo was held. Following this trial, Appellant was found guilty of speeding and ordered to pay fines and costs of $128.00. This timely appeal followed.

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[1] 75 Pa.C.S.A. § 3362(a)(1)

The facts as adduced at the summary appeal hearing are as follows. Officer James R. Bodine of the Westfield Borough Police Department testified that on November 10, 1999, he was using a stopwatch system known as "Accutrak" to measure driving speeds along East Main Street in Westfield. Using this system, he clocked Appellant at a speed of 52 miles per hour in a 35 mile per hour zone. Officer Bodine described his actions in clocking Appellant's vehicle on the date in question in detail. As Officer Bodine explained, he accomplished this calculation by measuring the time in which he observed Appellant cross two lines painted on the road to mark a 100foot designated speed zone. He stated that as Appellant's vehicle began to cross the first painted line of the speed zone he activated the Accutrak stop watch. As the vehicle hit the second line after passing through the 100-foot zone, Officer Bodine deactivated the stop watch. The device then calculated an average speed reading on Appellant's vehicle of 52 miles per hour. Officer Bodine then stopped Appellant and issued a citation.

Officer Bodine testified to his background, training and experience using the Accutrak system. He stated that he personally had painted the lines on the road and had measured the space in between with a tape certified by the Pennsylvania Department of General Services Standards Laboratory to be 100 feet long. He also testified that the specific stopwatch that he used on the date of Appellant's citation was certified by the Pennsylvania Standards Laboratory to be accurate and true as of September 22, 1999. This test was well within the 60 day requirement for retesting pursuant to

Section 3368 of the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101, *et. seq.*, which governs the use, calibration, testing, maintenance and state certification requirements of speed timing devices, including stopwatches. See Commonwealth v. Ness, 491 A.2d 234, 235 (Pa. Super. 1985) (reaffirming this Court's holding in Commonwealth v. Manny, 414 A.2d 685, 686 (Pa. Super. 1980), that stopwatches are considered to be mechanical or electrical speed timing devices pursuant to 75 Pa.C.S.A. § 3368).

On appeal, Appellant raises numerous issues for our consideration :[2]

> I. Did the Honorable Trial Judge err by convicting appellant of speeding violation against the weight of the evidence due to the many potential sources of error affecting the arresting officer?
>
> II. Did the Honorable Trial Judge err in allowing the arresting officer to establish the accuracy of the distance timed and to establish the accuracy of the actual elapsed time used to calculate defendant's speed when the officer had presented no

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[2] We note that Appellant's Statement of Questions Presented exceeds the limits set forth in Rule 2116(a) of Pennsylvania's Rules of Appellate Procedure, which states that "[t]he statement of the questions involved . . . should not ordinarily exceed 15 lines, [and] must never exceed one page. . . . This rule is to be considered in the highest degree mandatory, admitting of no exception. . . ." While Appellant's Statement of Questions Involved exceeds this limit, we are able to conduct meaningful review, but caution Appellant that conformance to the briefing requirements found in the Rules of Appellate Procedure is mandatory.

evidence of expertise in measuring distance or speed?

III. Did the Honorable Trial Judge err in sustaining a speeding violation over a distance and time which was too short to eliminate normal human variation as the probable basis of the calculated speed being in excess of the statutory limit?

IV. Did the Honorable Trial Judge err in not striking the costs imposed on defendant for the Emergency Medical Services Act, Catastrophic Loss Benefits Continuation Fund and Judicial Computer Project?

V. The Honorable Trial Judge entered an order directing defendant to file a statement of matters complained of pursuant to Pennsylvania Rule of Appellate Procedure 1925(b), which Rule, Appellant contends, should be voided as against public policy.

VI. Did the individual District Magistrate, prosecutor and Trial Judge violate defendant's constitutional rights of de facto due process and equal protection of law, as well as their oaths of office and bar admission by allowing defendant to be prosecuted under this fact situation or is this an inherent flaw in our court system?

(Appellant's Brief, at 1-3.)

Appellant's first assertion of error suggests that his conviction of the speeding charge was against the weight of the evidence in light of the arresting officer's potential for human error while clocking Appellant's speed with a stopwatch. The weight of the evidence is

exclusively for the finder of fact who is free to believe all, part, or none of the evidence and to determine the credibility of the witnesses. See Commonwealth Simmons, 541 Pa. 211, 229, 662 A.2d 621, 630 (1995). As an appellate court, we cannot substitute our judgment for that of the finder of fact. Thus, we may only reverse the trial court's verdict if it is so contrary to the evidence as to shock one's sense of justice. *Id.*

Here, Officer Bodine testified to his training and experience in using the Accutrak system. He offered credible, uncontroverted testimony of his observation and legitimate timing of Appellant's driving based on an accepted, legally-tested method of calculating Appellant's speed through the speed zone. Appellant raises questions concerning the possibility of human error in Officer Bodine's calculation of his speed, but the record reflects that Appellant offered no specific evidence that Officer Bodine, in fact, committed any human error in his use of the Accutrak system. Furthermore, Appellant offered no evidence to refute Officer Bodine's determination that Appellant was driving 17 miles over the speed limit. In fact, in his brief to this Court, he admits that "I had no way of knowing my speed at the time the officer timed me." (Appellant's Brief, at 29.) Based on the evidence presented, the trial court, as finder of fact, was free to draw its own conclusions. Accordingly, Appellant's challenge to the weight of the evidence is without merit.

Appellant's second and third assertions of error are similarly based on the same claims that Officer Bodine could have erred in his calculation of Appellant's speed based on the potential for human error that existed in his

calculation of Appellant's speed. Indeed, throughout his brief, Appellant refers to Officer Bodine as a "rookie cop" with "no experience." We disagree.

Officer Bodine testified to his training and familiarity with the Accutrak system. He described the procedure in detail and explained that he had been evaluated and approved by his supervisor in its use. As discussed above, however, credibility determinations are matters solely within the province of the factfinder and will not be disturbed on appeal absent an abuse of discretion. Commonwealth v. Barger, 743 A.2d 477, 482 (Pa. Super. 1999). Neither Appellant's unsupported criticism of Officer Bodine's skills, nor his rambling calculations and diatribes regarding the potential for human error when using the Accutrak system, satisfy his burden of proving that the trial court abused its discretion. Moreover, Appellant's sweeping generalizations and overt criticism of the district justice's, prosecutor's and trial court's competence [3](Appellant's Brief, at 18) do not advance his arguments. Therefore, his second and third assertions of error are without merit.

Appellant's fourth, fifth and sixth assertions of error involve sweeping generalizations and

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[3] We note with concern that Appellant, though pro se, is an attorney and an officer of the Court. Appellant's brief is replete with overt, unfounded criticism and personal attacks directed against the arresting officer, district justice, trial court and prosecutor in this matter, all of whom the record reveals handled the matter with skill and professionalism at every juncture. We point out to Appellant that his brief to this Court is not the appropriate forum for his commentary and that such an approach is not only disrespectful to these individuals, but also further discredits Appellant's position.

accusations about the legal system, the judicial system and specifically the district justice, prosecutor and trial judge, all of whom he alleges violated his rights of due process and equal protection, as well as their oaths of office and bar admission, by allowing his prosecution.

Appellant's fourth claim alleges that the costs associated with the citation, including fees for the Emergency Medical Services Act, Catastrophic Loss Benefits Continuation Fund and Judicial Computer Project, are "illegal taxes" or "excessive punishment." He calls their collection "extorting funds from the weakest, poorest, most ignorant . . . ." (Appellant's Brief, at 22.) He alleges that these costs are taxes that are inequitably applied and that our judicial system therefore is unfair. Alternatively he argues that if they are a "fine" or ""punishment," they are excessive and bear no relationship to the severity of the violation alleged and violate the due process and equal protection rights of the accused by being assessed prior to hearing and conviction. (*Id.* at 26.)

Fifth, Appellant asserts that the trial judge erred in entering an order directing him to file a statement of matters complained of pursuant to Pennsylvania Rule of Appellate Procedure 1925(b) because he alleges that such rule should be held void as against public policy. He argues that this rule encourages trial judges "to prepare opinions in such a manner as to inhibit the disclosure of the true nature of the Court's decision." (Appellant's Brief, at 27.)

Appellant's final assertion of error is that his rights of due process and equal protection were violated by the district justice, the prosecutor and the trial court in their prosecution of him.

Our review of Appellant's brief reveals that he cites no germaine or persuasive case law or legal authority to support his averments. This Court has held that the argument section of an appellant's brief must include a relevant discussion of points raised along with citation to pertinent authorities. See Commonwealth v. Brown, 741 A.2d 726, 734 (Pa. Super. 1999) (citations omitted); see also Pa.R.A.P. 2119(a) (argument shall be followed by such discussion and citation of authorities as are deemed pertinent). The Argument section of Appellant's brief on these three assertions of error spans 15 pages without inclusion of any pertinent authority to support his position on these issues. Accordingly, we find that appellant has waived these claims. See Commonwealth v. Luktisch, 680 .2d 877, 879 (Pa. Super. 1996) (finding issue waived where defendant failed to develop it in argument and cited no authority).

For all of the foregoing reasons, we find Appellant's assertions of trial court error to be without merit.

Judgment of sentence affirmed.

Judgment Entered.

s/
Prothonotary

Date: [stamp] OCT 30 2000

IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA
VS.
CHESTER B. SMITH
NO. 2 MISC. DIVISION 2000

O R D E R

AND NOW, this 15th day of March, 2000, following a Summary Appeal hearing this date, the Court finds the defendant guilty of the summary offense of Speeding Violation and upholds the District Justice decision in this matter.

The defendant shall pay any remaining fines and/or costs due District Justice office 04-3-01.

By the Court,
S/Robert E. Dalton, Jr.
Robert E. Dalton, Jr.
President Judge

CC: Chester B. Smith 787 N. Main Street Coudersport PA 16915 District Attorney District Justice #04-3-01

IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA
VS.
CHESTER B. SMITH
NO. 2 MISC. DIVISION 2000

[Stamp text:
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TIOGA COUNTY, PA]

OPINION

The above named defendant appeared before this Court on March 15, 2000 on an appeal from a traffic citation issued to him after driving his car beyond the posted speed limit in the borough of Westfield, Tioga County, Pennsylvania. The Court ruled that the Commonwealth had met its burden of proof beyond a reasonable doubt in order to convict the defendant for speeding as so charged by the borough police officer. The conviction was sustained and the mandated statutory fines and costs were imposed. The defendant filed a notice of appeal to the Superior Court and we directed him to file a 1925 statement. Defendant's statement was filed with the Court on April 12, 2000.

Defendant's 1925 statement contains a total of 25 paragraphs, most of which re-state the arguments raised at the hearing and. rejected by this Court. However, there are four paragraphs, specifically numbers 19, 20, 21, and 25 that raise issues outside of those raised at the

hearing. We would find that the issues therein are of no merit and will not address them.

At the close of testimony, the Court heard oral arguments from Mr. Smith, on his own behalf and from the Commonwealth represented by Assistant District Attorney, George Wheeler. The Court then rendered a brief oral opinion stating the reasons for the ruling which can be found on pages 29-30 of the transcript. We would therefore submit this matter for appellate review based upon the record.

By the Court,
s/
Robert E. Dalton, Jr.
President Judge

Date: April 20,2000